

11-16-00

PATENT
Attorney Docket No.: FORS-04905

A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner For Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Brian D. Aizenstein, Eric R. Basrmussen and Jeff G. Hall for **Methods And Compositions For Detecting Target Sequences**.

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service on this date **November 15, 2000** in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EL 658 777 205 US** addressed to: **Box Patent Application**, Assistant Commissioner For Patents, Washington, D.C. 20231.


 David A. Casimir

1. Type Of Application

This new application is for a(n)

- ☒ Original (nonprovisional)
☐ Continuation-In-Part (C-I-P).

2. Benefit Of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED**.

3. Papers Enclosed That are Required For Filing Date Under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

- 335** Pages of Specification
2 Pages of Claims
1 Page of Abstract
165 Sheets of Informal Drawings

4. Declaration

- ☒ Enclosed
☒ Unexecuted.

5. Inventorship Statement

The inventorship for all the claims in this application is:

- ☒ the same

6. Language

- ☒ English

7. Assignment

- ☒ An unexecuted assignment of the invention to **Third Wave Technologies, Inc.** is attached.
☒ Form PTO-1595 will follow.

8. Fee Calculation (37 C.F.R. § 1.16)

- ☒ Regular application


CLAIMS AS FILED

Number Filed	Number Extra	Rate	Basic Fee - \$710.00 (37 C.F.R. § 1.16(a))
Total Claims (37 C.F.R. § 1.16(c))	20 - 20 =	0 × \$18.00 =	\$0.00
Independent Claims (37 C.F.R. § 1.16(b))	3 - 3 =	0 × \$80.00 =	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d))	+ \$260.00 =		\$0.00

- | | | |
|-----|---|--|
| 9. | Small Entity Statement(s)
<input checked="" type="checkbox"/> Verified Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is(are) attached. | Filing Fee Calculation
\$710.00 |
| | | |
| 10. | Fee Payment Being Made At This Time
<input checked="" type="checkbox"/> Enclosed
<input checked="" type="checkbox"/> basic filing fee | Filing Fee Calculation (50% of above)
\$355.00

Total Fees Enclosed
\$355.00 |
| | | |
| 11. | Method of Payment of Fees
<input checked="" type="checkbox"/> Check in the amount of \$355.00 | |
| 12. | Authorization To Charge Additional Fees and Credit Overpayment
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No.: 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose. | |
| 13. | Power of Attorney by Assignee
<input checked="" type="checkbox"/> Enclosed (unexecuted) | |
| 14. | Return Receipt Postcard
<input checked="" type="checkbox"/> Enclosed | |

Dated: November 15, 2000



 David A. Casimir
 Registration No.: 42,395

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- ☒ **Incorporation By Reference Of Added Pages**
- ☒ Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s) Claimed
- Number of pages added 1

ADDED PAGES FOR APPLICATION TRANSMITTAL
WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

15. Relate Back

- A. 35 U.S.C. § 119(e)
B. 35 U.S.C. §§ 120, 121 and 365(e)

- ☒ Amend the Specification by inserting before the first line the sentence: "This is a Continuation-In-Part of copending application(s) Serial No. 09/350,309, which is a divisional application U.S. Patent No. 5,985,557, and is also a continuation-in-part of co-pending application Serial No. 09/381,212 which is a national stage entry of PCT application no. US98/05809, which claims priority to U.S. Patent Nos. 5,994,069, 6,090,543, 5,985,557, 6,001,567 and 5,846,717.

16. Further Inventorship Statement Where Benefit Of Prior Application(s) Claimed

- a. This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are ☒ the following additional inventor(s) have been added: **Brian D. Alzenstein and Eric B. Rasmussen**
b. The inventorship for all the claims in this application is: ☒ the same.

Applicant / Patentee: Brian D. Aizenstein *et al.*
For: **Methods And Compositions For Detecting Target Sequences**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR § 1.9(c) - SMALL BUSINESS CONCERN)**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Third Wave Technologies, Inc.
502 South Rosa Road, Madison, WI 53719

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §§ 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under §§ 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **Methods And Compositions For Detecting Target Sequences** by inventors named **Brian D. Aizenstein *et al.***, described in the specification filed herewith.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: _____

By: _____

Name: _____

Title: _____

ASSIGNMENT

WHEREAS, WE, Brian D. Aizenstein, Eric R. Basmussen and Jeff G. Hall, hereinafter referred to as "ASSIGNOR", have invented certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **Methods And Compositions For Detecting Target Sequences**

Filing Date: Serial No.:

WHEREAS, Third Wave Technologies, Inc., a Wisconsin corporation, 502 South Rosa Road, Madison, WI 53719, hereinafter referred to as "ASSIGNEE", is desirous of acquiring the entire right, title and interest in said invention and application and in any Letters Patent which may be granted on the same;

NOW THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to ASSIGNOR by ASSIGNEE and other good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said ASSIGNEE, and ASSIGNEE's successors and assigns, all right, title and interest in and to said invention, said application for United States Letters Patent, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, prolongations or extensions thereof, said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been held and enjoyed by said ASSIGNOR had this assignment and transfer not been made, to the full end and term of any Letters Patent.

ASSIGNOR further agrees that ASSIGNOR will, without charge to said ASSIGNEE, but at ASSIGNEE's expense, cooperate with ASSIGNEE in the prosecution of said application and/or applications; execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof; and will perform such other acts as ASSIGNEE lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said ASSIGNEE, or ASSIGNEE's successors and assigns.

IN TESTIMONY WHEREOF, ASSIGNOR has hereunto signed ASSIGNOR's names to this assignment on the date indicated below.

Brian D. Aizenstein

Eric R. Basmussen

Jeff G. Hall

STATE OF _____)
)
COUNTY OF _____)

SS.

On this _____ day of _____, in the year of _____, before me, the undersigned notary public, personally appeared the above-named ASSIGNOR, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same.

NOTARY PUBLIC

SEAL